

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

11 JUN -8 PM 4:51

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

CHARLES L. JONES,

Plaintiff,

VS.

CSX TRANSPORTATION, INC.,
a corporation,

Defendant.

Case No.:

1:11-cv-0777 JMS-DML

TRIAL BY JURY DEMANDED

COMPLAINT AT LAW

The plaintiff, CHARLES L. JONES, by his attorneys, HARRINGTON, THOMPSON, ACKER & HARRINGTON, LTD., complaining of defendant, CSX TRANSPORTATION, INC., a corporation, hereinafter CSXT, states:

1. Jurisdiction of this Court is invoked under the provisions of Title 45 U.S.C. §56 and Title 28 U.S.C. §1331.
2. The defendant, CSXT, is a corporation engaged in operating a railroad as a common carrier engaged in interstate commerce between the various states of the United States, including the Southern District of Indiana and is subject to service of process and to the jurisdiction of this Court.
3. On December 5, 2009, plaintiff was employed by defendant as a yard foreman and his duties as such were in furtherance of interstate commerce for defendant.
4. On December 5, 2009, both plaintiff and defendant were subject to the Act of Congress known as the Federal Employers' Liability Act, 45 U.S.C. §51-60, and the amendments thereto.

5. That on or about December 5, 2009, plaintiff was injured while working for defendant at or near defendant's Hawthorne yard in Indianapolis, Indiana.

6. At said place and time, plaintiff was assigned by defendant CSXT to work on a job moving a freight train from defendant's Hawthorne yard to defendant's Avon yard in Avon, Indiana.

7. In the course of performing his duties, he was required to step off his train and walk on the ground alongside his train prior to its departure from Hawthorne yard.

8. At said time and place and while walking alongside his train, several stray dogs began chasing plaintiff alongside his train. In response to being chased by the aforementioned dogs, plaintiff attempted to run toward his locomotive engine to seek safety.

9. At said time and place and while attempting to escape from the aforementioned dogs, plaintiff sustained injuries after falling to the ground and falling against the steps and handrails of his locomotive engine as one of the dogs bit his left foot.

10. As a result of the incident, plaintiff sustained personal injuries.

11. Plaintiff was acting at all times alleged herein within the scope of his employment and in furtherance of defendant's business, and it was defendant's duty to exercise ordinary care to furnish plaintiff with a reasonably safe place in which to work.

12. Notwithstanding its aforementioned duties, defendant was negligent in one or more of the following particulars and thereby contributed in whole or in part to cause injuries to plaintiff:

a. In failing to provide plaintiff with a safe place to work;

- b. In failing to secure the area where plaintiff worked from the presence of stray dogs;
- c. In failing to respond to complaints from other employees prior to December 5, 2009 concerning the dangerous presence of stray dogs at or near its Hawthorne yard in Indianapolis, Indiana.

13. As a result of the incident and injuries of December 5, 2009, plaintiff sustained personal injuries, disability, pain and suffering, medical expenses, wage losses and other recoverable damages supported by the evidence and permitted by law resulting in whole or in part from the negligent acts and omissions of defendant.

WHEREFORE, plaintiff CHARLES L. JONES, prays for a judgment of damages against defendant CSX TRANSPORTATION, INC. in a dollar amount sufficient to satisfy the jurisdictional limitations of this court, plus whatever additional amount the court and the jury deem proper as compensatory damages, plus the costs of this lawsuit.

Respectfully Submitted,



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JURY DEMAND

The plaintiff, CHARLES L. JONES, by and through counsel hereby demands trial by jury.

Respectfully Submitted,

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